

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )

Plaintiff, )

4:09CR3107

V. )

ARRMON H. DAUGHERTY, )

MEMORANDUM AND ORDER

Defendant. )

\_\_\_\_\_ )

In light of the Fair Sentencing Act of 2010, the Court directed the United States Probation Office for the District of Nebraska to review crack cases to determine whether a defendant may be entitled to a reduction in his or her sentence. The probation officer has submitted her review in this case. I agree with the probation officer that the defendant is not eligible for a sentence reduction. This is true for a variety of reasons including the fact that I took into consideration the impact of the Senate's adoption of the bill that eventually became the Fair Sentencing Act of 2010 when I originally sentenced the defendant. In other words, he got all that he was entitled to receive when I sentenced him the first time. And, even if the defendant was eligible for a reduction, I would not grant him one as I believe the defendant has now received all the leniency he is entitled to receive (e.g., filing no. [56](#) (granting Rule 35(b) motion)) and because of the defendant's extensive criminal history.

IT IS ORDERED that the Court will not reduce the defendant's sentence as a result of the Fair Sentencing Act of 2010. The Clerk shall provide a copy of this Memorandum and Order to the defendant, USPO Kontz, AUSA Lehr and FPD Stickman.

DATED this 27<sup>th</sup> day of June, 2012.

BY THE COURT:

*Richard G. Kopf*

Senior United States District Judge